

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

THE CITY OF HUNTINGTON,

Plaintiff,

v.

AMERISOURCEBERGEN DRUG
CORPORATION, et al.,

Defendants.

Civil Action No. 3:17-01362
Hon. David A. Faber

CABELL COUNTY COMMISSION,

Plaintiff,

v.

AMERISOURCEBERGEN DRUG
CORPORATION, et al.,

Defendants.

Civil Action No. 3:17-01665
Hon David A. Faber

DEFENDANTS' MOTION TO COMPEL DISCOVERY RESPONSES FROM DEA

Pursuant to Rules 26, 34, 37, and 45 of the Federal Rules of Civil Procedure, Defendants AmerisourceBergen Drug Corporation, Cardinal Health, Inc., and McKesson Corporation (collectively, "Defendants"), by counsel, hereby move for an order compelling the U.S. Drug Enforcement Administration ("DEA") to produce documents and communications responsive to Defendants' Subpoena to Produce Documents, Information, or Objects to the DEA served on February 21, 2020, so that Defendants have a meaningful opportunity to take the fact discovery needed to defend themselves in this matter. Defendants' motion should be granted for the reasons set forth in the accompanying memorandum of law, which is incorporated here. Pursuant to LR Civ P 7.1(a), copies of all documents, affidavits, and other such materials or exhibits referenced in the memorandum and upon which this motion relies are attached to this motion. Defendants

further certify that they have conferred with counsel for the DEA in an effort to resolve the subject discovery dispute without court intervention.

Dated: April 14, 2020

Respectfully submitted,

McKesson Corporation

By Counsel:

/s/ Jeffrey M. Wakefield

Jeffrey M. Wakefield (WVSB #3894)

Jason L. Holliday (WVSB #12749)

FLAHERTY SENSABAUGH BONASSO PLLC

P.O. Box. 3843

Charleston, WV 25338-3843

Tel: (304) 345-0200

jwakefield@flahertylegal.com

jholliday@flahertylegal.com

/s/ Carol Dan Browning

Carol Dan Browning

Stites & Harbison, PLLC

400 West Market Street, Suite 1800

Louisville, Kentucky 40202

Tel: (502) 587-3400

Fax: (502) 587-6391

cbrowning@stites.com

/s/ Timothy C. Hester

Timothy C. Hester

Mark H. Lynch

Christian J. Pistilli

Laura Flahive Wu

COVINGTON & BURLING LLP

One CityCenter

850 Tenth Street NW

Washington, DC 20001

Tel: (202) 662-5324

thester@cov.com

mlynch@cov.com

cpistilli@cov.com

lflahivewu@cov.com

AmerisourceBergen Drug Corporation

By Counsel:

/s/ Gretchen M. Callas

Gretchen M. Callas (WVSB #7136)
JACKSON KELLY PLLC
Post Office Box 553
Charleston, West Virginia 25322
Tel: (304) 340-1000
Fax: (304) 340-1050
gcallas@jacksonkelly.com

/s/ Robert A. Nicholas

Robert A. Nicholas
Shannon E. McClure
REED SMITH LLP
Three Logan Square
1717 Arch Street, Suite 3100
Philadelphia, PA 19103
Tel: (215) 851-8100
Fax: (215) 851-1420
rnicholas@reedsmith.com
smcclure@reedsmith.com

Cardinal Health, Inc.

By Counsel:

/s/ Steven R. Ruby

Brian A. Glasser (WVSB #6597)
Steven R. Ruby (WVSB #10752)
Raymond S. Franks II (WVSB #6523)
BAILEY GLASSER LLP
209 Capitol Street
Charleston, West Virginia 25301
Telephone: (304) 345-6555
Facsimile: (304) 342-1110
Counsel in Cabell County action

/s/ Enu Mainigi

Enu Mainigi
F. Lane Heard III
Ashley W. Hardin
WILLIAMS & CONNOLLY LLP
725 Twelfth Street NW
Washington, DC 20005
Tel: (202) 434-5000
Fax: (202) 434-5029
emainigi@wc.com
lheard@wc.com
ahardin@wc.com